

107TH CONGRESS
1ST SESSION

S. 556

To amend the Clean Air Act to reduce emissions from electric powerplants,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2001

Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. SCHUMER, Ms. SNOWE, Mrs. FEINSTEIN, Mr. LEAHY, Mrs. CLINTON, Mr. KERRY, Mr. DODD, Mr. TORRICELLI, Mr. CORZINE, Mr. KENNEDY, Mr. REED, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to reduce emissions from
electric powerplants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Power Act of
5 2001”.

6 **SEC. 2. REDUCTION OF EMISSIONS FROM POWERPLANTS.**

7 Part A of title I of the Clean Air Act (42 U.S.C. 7401
8 et seq.) is amended by adding at the end the following:

1 **“SEC. 132. REDUCTION OF EMISSIONS FROM POWER-**
2 **PLANTS.**

3 “(a) EMISSION REDUCTION OBJECTIVES.—The emis-
4 sion reduction objectives of this section are to reduce in
5 the States, not later than January 1, 2007—

6 “(1) aggregate sulfur dioxide emissions from
7 powerplants by 75 percent from the levels required
8 at full implementation of the Phase II sulfur dioxide
9 requirements under title IV (relating to acid deposi-
10 tion control);

11 “(2) aggregate nitrogen oxide emissions from
12 powerplants by 75 percent from 1997 levels;

13 “(3) aggregate carbon dioxide emissions from
14 powerplants to the level of carbon dioxide emissions
15 from powerplants in 1990; and

16 “(4) aggregate mercury emissions from power-
17 plants by 90 percent from 1999 levels.

18 “(b) AGENCY ACTION.—

19 “(1) REGULATIONS.—

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of this section, the
22 Administrator shall promulgate regulations to
23 achieve the emission reduction objectives speci-
24 fied in subsection (a).

25 “(B) ELEMENTS.—The regulations pro-
26 mulgated under subparagraph (A)—

1 “(i) shall achieve the objectives in a
2 manner that the Administrator determines
3 will allocate required emission reductions
4 equitably, taking into account emission re-
5 ductions achieved before the date of enact-
6 ment of this section and other relevant fac-
7 tors;

8 “(ii) may include market-oriented
9 mechanisms (such as emissions trading
10 based on generation performance stand-
11 ards, auctions, or other allocation meth-
12 ods), except that emissions trading in mer-
13 cury shall be prohibited;

14 “(iii) shall prevent localized adverse
15 effects on public health and the environ-
16 ment and ensure that significant emission
17 reductions are achieved in both the eastern
18 and western regions;

19 “(iv) shall ensure that any captured
20 or recovered mercury is not re-released
21 into the environment; and

22 “(v) shall include—

23 “(I) appropriate incentives to in-
24 crease energy efficiency, and to use
25 renewable energy, to achieve the emis-

1 sion reduction objectives specified in
2 subsection (a); and

3 “(II) policies to reduce the rate
4 of growth of natural gas consumption
5 that are at least as effective as the
6 advanced demand-side policies for
7 end-use sectors and advanced supply-
8 side policies for the electricity sector
9 described in the report prepared by
10 the Department of Energy entitled
11 ‘Scenarios for a Clean Energy Future’
12 and dated November 2000.

13 “(2) EFFECT OF FAILURE TO PROMULGATE.—
14 If the Administrator fails to promulgate regulations
15 in accordance with paragraph (1) by the date speci-
16 fied in that paragraph, each powerplant shall achieve
17 the emission reduction objectives specified in sub-
18 section (a) that are applicable to the powerplant.

19 “(c) ADDITIONAL REDUCTIONS.—The regulations
20 promulgated under subsection (b) may require additional
21 reductions in emissions from powerplants if the Adminis-
22 trator determines that the emission levels necessary to
23 achieve the emission reduction objectives specified in sub-
24 section (a) are not reasonably anticipated to protect public
25 health or welfare.

1 “(d) MODERNIZATION OF OUTDATED POWER-
2 PLANTS.—

3 “(1) IN GENERAL.—On the later of the date
4 that is 30 years after the outdated powerplant com-
5 mences operation or the date that is 5 years after
6 the date of enactment of this section, each outdated
7 powerplant shall comply with—

8 “(A) the most recent new source perform-
9 ance standards promulgated under section 111;
10 and

11 “(B) the requirements under parts C and
12 D that are applicable to modified sources.

13 “(2) ADDITIONAL REQUIREMENTS.—The re-
14 quirements of this subsection shall be in addition to
15 the requirements of the regulations promulgated
16 under subsection (b).

17 “(e) OTHER REQUIREMENTS.—This section does not
18 affect the applicability of any other requirement of this
19 Act.

20 “(f) DEFINITIONS.—In this section:

21 “(1) WESTERN REGION.—The term ‘western re-
22 gion’ means all States that have a majority of their
23 land area within the region encompassed by the
24 Western Systems Coordinating Council.

1 “(2) EASTERN REGION.—The term ‘eastern re-
2 gion’ means all States that are not in the western
3 region.

4 “(3) OUTDATED POWERPLANT.—The term ‘out-
5 dated powerplant’ means a powerplant that has been
6 in operation for a period of 30 years or more.

7 “(4) POWERPLANT.—The term ‘powerplant’
8 means an electric generation facility with a name-
9 plate capacity of 15 megawatts or more that uses a
10 combustion device to generate electricity for sale.”.

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